

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number 07-20246

Honorable David M. Lawson

v.

GARY TRANELL YOUNG,

Defendant.

_____ /

**ORDER DENYING DEFENDANT’S MOTION FOR CLARIFICATION OF
ELIGIBILITY**

The matter is before the Court on the defendant’s motion to clarify whether he is eligible for a sentence reduction or modification as a result of the retroactivity of the Fair Sentencing Act. The defendant’s motion must be denied because it asks for advice, not relief. The Court may not issue advisory opinions. “Article III of the Constitution limits the jurisdiction of federal courts to consideration of actual cases and controversies, and federal courts are not permitted to render advisory opinions.” *Arnett v. Myers*, 281 F.3d 552, 562 (6th Cir. 2002) (citing *Adcock v. Firestone Tire and Rubber Co.*, 822 F.2d 623, 627 (6th Cir. 1987)). The Court cannot determine the defendant’s eligibility for a sentence reduction based on the retroactivity of the Fair Sentencing Act until he files a motion to reduce his sentence on that ground.

Accordingly, it is **ORDERED** that the defendant’s motion for clarification of eligibility [dkt. #367] is **DENIED**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: November 3, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 3, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL